



OFFICE OF THE CITY CLERK

JUDICIAL ADVISORY BOARD MINUTES

March 18, 2009

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 18, 2009 at 7:46 a.m.

COMMITTEE PRESENT

David M. Talamante
Kate Ali'varius
Daniel A. Barker
Marlon E. Branham
Stella Hunsaker
Scott Rhodes

COMMITTEE ABSENT

Michael B. Cowan

STAFF PRESENT

Susan Bozile
Kathleen Broman
Michael Claspell
Karl Eppich
Matt Tafoya

1. Items from citizens present.

Michelle Lue Sang, a Mesa Municipal Court Magistrate since May 1998, offered a series of comments regarding Magistrate Karl Eppich from her perspective as his colleague. She stated that Magistrate Eppich is an extremely dependable jurist and has assisted her on many occasions with her busy Court calendar. Magistrate Lue Sang also remarked that because of his judicial experience, ability to teach, enthusiasm and demeanor, Magistrate Eppich was invited to serve as a faculty member for the Administrative Office of the Court (AOC). She noted that in that capacity, Magistrate Eppich is responsible for the orientation of newly appointed judges in limited jurisdiction courts.

Magistrate Lue Sang further indicated that Magistrate Eppich respects the litigants that appear in his court and said that just because a litigant is dissatisfied with a judge's ruling does not mean the judge acted inappropriately or did not make decisions in accordance with the law. She also commented that Magistrate Eppich is an asset to the Mesa Municipal Court bench, possesses keen analytical skills and is committed to the bench and the community in which he serves. She added that Magistrate Eppich is one of the few judges at the Mesa Municipal Court who has embraced technology in an effort to create a more efficiently run facility.

Chairman Talamante stated that the Boardmembers were provided correspondence from David Rodriguez, a litigant who once appeared before Magistrate Eppich, and noted that he would prefer to discuss the matter in Executive Session. He advised that Magistrate Eppich would receive a copy of the above-referenced materials.

2. Convene an Executive Session.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. 38-431.03A (1))
 1. Reappointment items for Magistrate Eppich

It was moved by Boardmember Rhodes, seconded by Boardmember Ali'varius, that an Executive Session be convened at 7:53 a.m. to discuss the reappointment of Magistrate Karl Eppich.

Chairman Talamante declared the motion carried unanimously by those present.

(At 8:46 a.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

3. Discuss and make recommendations to the City Council on the reappointment of Magistrate Karl Eppich for a four-year term.

It was moved by Boardmember Rhodes, seconded by Boardmember Ali'varius, that staff provide the City Council the complete court file regarding David Rodriguez (Docket #2000024634) and also copies of a March 17, 2009 letter to the Judicial Advisory Board authored by Mr. Rodriguez. (Items are available for review in the City Clerk's Office.)

Chairman Talamante declared the motion carried unanimously by those present.

Although Mr. Rodriguez was not in attendance, Boardmember Rhodes expressed appreciation to him for bringing his concerns to the Board's attention and emphasized the fact that the Boardmembers take all concerns very seriously. He also commented on the fact that the March 4, 2009 meeting was continued in order to conduct additional investigation in this regard. Boardmember Rhodes clarified that it is not the responsibility of the Boardmembers to review a particular case that goes before the Mesa Municipal Court, but rather to review the record of each judge individually as a whole.

It was moved by Boardmember Rhodes, that based on Magistrate Eppich's career at the Mesa Municipal Court for many years, the communications that the Board received from members of the public, the judiciary and the State Bar, on Magistrate Eppich's job performance (as determined by the survey results), and based on Magistrate Eppich's demeanor, abilities as a judge, contributions to the Court system in general and to the Administrative Office of the Court, that Magistrate Karl Eppich be reappointed for a four-year term.

Boardmember Barker seconded the motion.

Chairman Talamante stated that in casting their votes on the pending motion, it might be appropriate for each Boardmember to explain the reason for his or her vote in this matter since the minutes will be reviewed by the City Council.

Chairman Talamante commented that he would abstain from voting on this item because he was not present at the March 4, 2009 Judicial Advisory Board meeting when Mr. Rodriguez addressed the Board. He stated that the Board first considered the issues that were raised by Mr. Rodriguez and ultimately continued the matter in order to perform further due diligence in this regard.

Boardmember Barker stated that he would vote in favor of the motion.

Boardmember Ali'varius advised that she would support the motion.

Boardmember Branham also indicated that he would vote in favor of the motion.

Boardmember Hunsaker expressed support for the motion.

Chairman Talamante declared the motion to recommend the reappointment of Karl Eppich as City Magistrate in the Mesa Municipal Court for an additional four-year term carried unanimously by those present and voting.

Chairman Talamante commented that the due diligence performed by the Board, the results of the Court survey, and the comments that the Board received in support of Magistrate Eppich demonstrate that he is performing in a competent and diligent manner as a City Magistrate and added that he deserves the opportunity to continue to serve in that capacity.

Deputy City Clerk Michael Claspell stated that it would be unnecessary to schedule further meetings until this fall, at which time the Board would begin to prepare for the 2010 reappointments of Magistrates Michelle Lue Sang and Elizabeth Arriola.

4. Adjournment.

It was moved by Boardmember Barker, seconded by Boardmember Ali'varius, that the meeting of the Judicial Advisory Board be adjourned at 8:53 a.m.

Chairman Talamante declared the motion carried unanimously by those present.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 18th day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK